

REMARKS

Remarks About the Objections and Rejections Under 35 USC 112(2):

In a Final Office Action mailed October 3, 2003, the Examiner made various objections to the drawings and claims. Applicants have amended the drawings and claims 44 and 45 (and also 43 and 46 in the event that a generic claim is allowed and as noted by the Examiner) as set forth above to overcome the noted objections. The Examiner also rejected claims 11, 14 and 24 under 35 USC 112(2) as being indefinite. Applicants have amended claim 11 as suggested by the Examiner.

With respect to claims 14 and 24, Applicants submit that those claims are clear and definite. In particular, claim 14 recites that the absorbent composite comprise “a pair of laterally opposed side margins extending laterally outboard from each of said at least one first and second locations and terminating in opposite outboard free edges, wherein said side margins are not attached to said first and second body panels.” In this way, claim 14 recites that the opposite side margins extend laterally outboard from at least one first location connecting the absorbent composite to the first body panel, and also that they extend laterally outboard from at least one second location connecting the absorbent composite to the second body panel. One embodiment of this invention is clearly shown in Figure 1, for example. Indeed, similar language is recited in claim 2, which the Examiner has not rejected. Accordingly, the Examiner’s objections and rejections have been overcome and notice to that effect is earnestly solicited.

Remarks About the Information Disclosure Statement:

The Examiner refused to consider the references submitted by Applicants with a Sixth Supplemental Information Disclosure Statement based on a technicality with respect to the wording of the certification language under 37 CFR 1.97(e). Although Applicants inadvertently failed to recite the term “first,” the references cited therein were indeed *first* cited in a communication from a foreign patent office in a counterpart application not more than three months prior to filing of that statement.

In any event, in the transmittal letter accompanying the Sixth Information Disclosure Statement, Applicants expressly authorized the Examiner to charge the fee required by 37 CFR 1.17(p) and 37 CFR 1.97(c)(2) to Deposit Account No. 23-1925. Accordingly, the Examiner should have considered the references based on that submission. Applicants again respectfully

request that the Examiner consider the references submitted with the Sixth Supplemental Information Disclosure Statement.

Remarks About the Prior Art Rejections:

Applicants respectfully disagree with the Examiner's rejections of the pending claims under 35 USC 102. Applicants, however, will address those rejections either in an appeal or continued examination. In any event, Applicants request that the present amendment be entered so that the claims are in better form for appeal.

Applicants note that the Examiner has made a provisional, obviousness-type double patenting rejection of all claims in view of claims pending in U.S. Application No. 10/053,251. Applicants will address this rejection once the claims of one or both of the pending applications are otherwise allowed.

CONCLUSION:

If for any reason this application is not considered to be in condition for allowance and an interview would be helpful to resolve any remaining issues, the Examiner is respectfully requested to call the undersigned attorney at (312) 321-4713.

Respectfully submitted,

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By:



Andrew D. Stover
Registration No. 38,629
Attorney for Applicants

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200